MARK J. BENNETT

2672

Attorney General of Hawai'i

JAMES E. HALVORSON

5457

NELSON Y. NABETA

3004

Deputy Attorneys General

Department of the Attorney

General, State of Hawai'i

235 South Beretania Street, 15th Floor

Honolulu, Hawai'i 96813 Telephone: (808) 587-2900

Facsimile: (808) 587-2965 Attorneys for Defendants

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAI'I

ROBERT SHEREZ,

CIVIL NO. 04-00390 JMS-KSC

Plaintiff,

VS.

DEFENDANTS' OBJECTIONS TO ADMISSIBILITY OF PLAINTIFF'S EXHIBITS; CERTIFICATE OF SERVICE

STATE OF HAWAI'I DEPARTMENT OF EDUCATION; PATRICIA HAMAMOTO, Superintendent of Hawai'i Schools, MEREDITH MAEDA, Principal, Castle High School; SARA GRONNER OR GRONNA, Vice Principal of Castle High School,

Defendants.

## DEFENDANTS' OBJECTIONS TO ADMISSIBILITY OF PLAINTIFF'S EXHIBITS

Defendants, by and through his undersigned attorneys, pursuant to this Court's Amended Rule 16 Scheduling Order, hereby submit their objections to the admissibility of Plaintiff's exhibits and request that they be excluded at trial.

| Plaintiff's Exhibit No. | Description of Document   | Objection               |
|-------------------------|---------------------------|-------------------------|
| 1                       | Letter from Richard       | Lack of authentication, |
|                         | Furmark dated March 14,   | hearsay, relevancy,     |
|                         | 2003                      | improper character      |
|                         |                           | evidence, improper      |
|                         |                           | opinion and improper    |
|                         |                           | disclosure of student   |
|                         |                           | information.            |
| 2                       | Letter from Ira Ilson May | Lack of authentication, |
|                         | 24, 2002                  | hearsay, relevancy,     |
|                         |                           | improper character      |
|                         |                           | evidence cumulative and |
|                         |                           | improper opinion.       |
| 3                       | Letter from Candace       | Lack of authentication, |
|                         | Sullivan dated November   | cumulative and hearsay. |
| 4                       | 3, 2004                   |                         |
| 4.                      | Letter to Donald Yee      | Lack of authentication, |
|                         | form Dr. Walter Sand      | hearsay, relevancy,     |
|                         | dated August 8, 1989      | improper character      |
|                         |                           | evidence, improper      |
|                         |                           | opinion cumulative and  |
|                         |                           | improper disclosure of  |
| 5                       | I de C                    | student information.    |
| 3                       | Letter from Jean Peters   | Lack of authentication, |
|                         | dated November 10, 1999   | hearsay, relevancy,     |
|                         |                           | improper character      |
|                         |                           | evidence, improper      |
|                         |                           | opinion, cumulative and |
|                         |                           | improper disclosure of  |
|                         |                           | student information.    |

|    | T C1 ' TT ' 1            |                          |
|----|--------------------------|--------------------------|
| 6  | Letter Claire Vericker   | Lack of authentication   |
|    | dated January 26, 1991   | and hearsay.             |
| 7  | Letter from Patrick      | Lack of authentication,  |
|    | Clemente dated May 26,   | hearsay, relevancy,      |
|    | 2001                     | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, cumulative and  |
|    |                          | improper disclosure of   |
|    |                          | student information.     |
| 8  | Letter from Andre Penon  | Lack of authentication,  |
|    | dated April 8, 1999      | hearsay, relevancy,      |
|    |                          | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion and improper     |
|    |                          | disclosure of student    |
|    |                          | information.             |
| 9. | Letter from Tom Tasato   | Lack of authentication,  |
|    | dated March 4, 1991      | hearsay, relevancy,      |
|    |                          | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, cumulative and  |
|    | `                        | improper disclosure of   |
|    |                          | student information.     |
| 10 | Letter from Scott Kaneko | Lack of authentication   |
|    | dated February 21, 1991  | and hearsay.             |
| 11 | Letter from William      | Lack of authentication,  |
|    | Murphy                   | hearsay, relevancy,      |
|    |                          | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, cumulative and  |
|    |                          | improper disclosure of   |
|    |                          | student information.     |
| 12 | Letter from David Wilson | Lack of authentication,  |
|    |                          | hearsay, relevancy,      |
|    |                          | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
|    |                          | opinion, and cumulative. |

3

| 13  | Letter from Ann          | Lack of authentication,                     |
|-----|--------------------------|---------------------------------------------|
|     | Kawaguchi dated June 8,  | hearsay, relevancy,                         |
|     | 1989; Letter from Sakae  | improper character                          |
|     | Loo dated June 26, 1989. |                                             |
|     | Loo dated June 20, 1989. | evidence, improper opinion, and cumulative. |
| 14  | Letter from Fran         | Lack of authentication,                     |
| 1 4 | Jorgensen dated          | hearsay, relevancy,                         |
|     | September 10, 1993       | improper character                          |
|     | September 10, 1993       | evidence, improper                          |
|     |                          | opinion, and cumulative.                    |
| 15  | Letter from Kirk Kama    | Lack of authentication,                     |
|     | dated November 11, 1999  | hearsay, relevancy,                         |
|     | dated November 11, 1999  | improper character                          |
|     |                          | evidence, improper                          |
|     |                          | opinion, and cumulative.                    |
| 16  | Letter from Stanley Seki | Lack of authentication                      |
|     | dated March 2, 1991      | and hearsay.                                |
| 17  | Letter from John Linskey | Lack of authentication,                     |
| 1,  | dated February 26, 1991  | hearsay, relevancy,                         |
|     | dated reordary 20, 1991  | improper character                          |
|     |                          | evidence, improper                          |
|     |                          | opinion, and cumulative.                    |
| 18  | Certificate of           | Lack of authentication,                     |
|     | Requirements             | hearsay, relevancy,                         |
|     | Requirements             | improper character                          |
|     |                          | evidence, improper                          |
|     |                          | opinion, and cumulative.                    |
| 19  | Employment Security      |                                             |
|     | Appeals: Notice of       | Lack of authentication, hearsay, relevancy. |
|     | Hearing date October 12, | nearsay, relevancy.                         |
|     | 2004                     |                                             |
| 20  | Letter from Plaintiff to | Lack of authentication,                     |
|     | Home Hospital Tutoring   | hearsay, relevancy.                         |
|     | dated February 25, 2005  | incarsay, relevancy.                        |
| 21  | Letter from DOE to       | Lack of authentication,                     |
|     | Unemployment Office      | hearsay, relevancy.                         |
|     | appealing decision dated | incursuy, refevancy.                        |
|     | July 22, 2004            |                                             |
|     | 1 41, 22, 2001           |                                             |

| 22 | D1 :                     |                          |
|----|--------------------------|--------------------------|
| 22 | Plaintiff's work resume  | Lack of authentication,  |
|    |                          | hearsay, relevancy,      |
|    |                          | improper character       |
|    |                          | evidence, improper       |
| 22 | DEEG P                   | opinion, and cumulative. |
| 23 | ETS Recognition          | Lack of authentication,  |
|    | Certificate              | hearsay, relevancy,      |
|    |                          | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 24 | DOE Record of            | Lack of authentication,  |
|    | Conference               | hearsay, relevancy,      |
|    |                          | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 25 | Hawaii Civil Rights      | Lack of authentication   |
|    | Commission letter dated  | and hearsay.             |
|    | February 9, 2004         |                          |
| 26 | Hawaii Civil Rights      | Lack of authentication   |
|    | Commission letter dated  | and hearsay.             |
|    | March 25, 2004           |                          |
| 27 | Unemployment Office      | Lack of authentication,  |
|    | Eligibility Review dated | hearsay, relevancy,      |
|    | September 8, 2004        | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 28 | Hawaii Civil Rights      | Lack of authentication,  |
|    | Commission Pre-          | hearsay, relevancy,      |
|    | Complaint Questionaire   | improper character       |
|    | dated June 10, 2003      | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 29 | Hawaii Civil Rights      | Lack of authentication   |
|    | Commission Charge of     | and hearsay.             |
|    | Discrimination dated     | -                        |
|    | August 5, 2003           |                          |
| 30 | EEOC Right to Sue dated  | Lack of authentication   |
|    | May 3, 2004              | and hearsay.             |
|    |                          | 1                        |

| 31 | Letter from Mr. Won        | I1 - C1                  |
|----|----------------------------|--------------------------|
|    |                            | Lack of authentication,  |
|    | dated February 18, 2005    | hearsay, relevancy,      |
|    |                            | improper character       |
|    |                            | evidence, improper       |
| 20 | C                          | opinion, and cumulative. |
| 32 | Statement by Dagmar        | Lack of authentication,  |
|    | Suzuki dated December 4,   | hearsay, relevancy,      |
|    | 2004                       | improper character       |
|    |                            | evidence, improper       |
| 22 |                            | opinion, and cumulative. |
| 33 | Letter from Marty          | Lack of authentication   |
|    | Mattison dated February    | and hearsay.             |
| 24 | 8, 2006                    |                          |
| 34 | Statement from Ira Ilson   | Lack of authentication,  |
|    | dated May 24, 2002         | hearsay, relevancy,      |
|    |                            | improper character       |
|    |                            | evidence, improper       |
|    |                            | opinion, and cumulative. |
| 35 | DOE record of conference   | Lack of authentication,  |
|    | dated April 2, 1991        | hearsay, relevancy,      |
|    |                            | improper character       |
|    |                            | evidence and improper    |
|    |                            | opinion.                 |
| 36 | Eligibility Review,        | Lack of authentication,  |
|    | September 8, 2004          | hearsay, relevancy,      |
|    |                            | improper character       |
|    |                            | evidence and improper    |
|    |                            | opinion.                 |
| 37 | Individual Sick Slip dated | Lack of authentication,  |
|    | November 10, 1999.         | hearsay, relevancy,      |
|    |                            | improper character       |
|    |                            | evidence, improper       |
|    |                            | opinion, and cumulative. |
| 38 | Ambulance Report dated     | Lack of authentication,  |
|    | November 10, 1999          | hearsay, relevancy,      |
|    |                            | improper character       |
|    |                            | evidence, improper       |
|    |                            | opinion, and cumulative. |

| 39 | I otton from the A       | Last of all and          |
|----|--------------------------|--------------------------|
|    | Letter from the American | Lack of authentication,  |
|    | Red Cross dated February | hearsay, relevancy,      |
|    | 25, 1988                 | improper character       |
|    |                          | evidence, improper       |
| 40 |                          | opinion, and cumulative. |
| 40 | Substitute Teacher       | Lack of authentication,  |
|    | Observation and          | hearsay, relevancy,      |
|    | Evaluation Report dated  | improper character       |
|    | March 26, 1991           | evidence, improper       |
| 41 |                          | opinion, and cumulative. |
| 41 | Notifications of         | Lack of authentication,  |
| 10 | Employment Status        | hearsay, relevancy.      |
| 42 | DOE Certificated         | Lack of authentication,  |
|    | Employee Notification of | hearsay, relevancy,      |
|    | Personnel Action as      | improper character       |
|    | substitute teacher       | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 43 | Kamehameha Schools       | Lack of authentication,  |
|    | ABSI staff letter dated  | hearsay, relevancy,      |
|    | March 4, 1991            | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 44 | Letter from the Young    | Lack of authentication,  |
|    | Democrats of Hawaii      | hearsay, relevancy,      |
|    | dated September 2, 1999  | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 45 | Letter from Donna Fish   | Lack of authentication,  |
|    | dated February 25, 1991  | hearsay, relevancy,      |
|    | , , , , , ,              | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
| 46 | DOE credential issued    | Lack of authentication,  |
|    | December 2, 1999         | hearsay, relevancy,      |
|    | ,,,,                     | improper character       |
|    |                          | evidence, improper       |
|    |                          | opinion, and cumulative. |
|    |                          | opinion, and cumulative. |

| 47 | T -441                      |                          |
|----|-----------------------------|--------------------------|
| 47 | Letter that is unsigned and | 1                        |
|    | undated                     | hearsay, relevancy,      |
|    |                             | improper character       |
|    |                             | evidence, improper       |
| 40 |                             | opinion, and cumulative. |
| 48 | Letter from Thomas          | Lack of authentication,  |
|    | Schubelka dated             | hearsay, relevancy,      |
|    | November 11, 1989           | improper character       |
|    |                             | evidence, improper       |
| 10 |                             | opinion, and cumulative. |
| 49 | Letter from American        | Lack of authentication,  |
|    | Red Cross that is not       | hearsay, relevancy,      |
|    | dated                       | improper character       |
|    |                             | evidence, improper       |
|    |                             | opinion, and cumulative. |
| 50 | Letrter from Regina         | Lack of authentication,  |
|    | Quimpo dated December       | hearsay, relevancy,      |
|    | 14, 1987                    | improper character       |
|    |                             | evidence, improper       |
|    |                             | opinion, improper        |
|    |                             | disclosure of student    |
|    |                             | information and          |
|    |                             | cumulative.              |
| 51 | Letter from Department      | Lack of authentication,  |
|    | of Labor and Industrial     | hearsay, relevancy,      |
|    | Relations Unemployment      | improper character       |
|    | Insurance Division dated    | evidence and improper    |
|    | August 29, 2005             | opinion.                 |
| 52 | Court Order Granting in     | Relevancy.               |
|    | Part and Denying in Part    |                          |
|    | Plaintiff's Motion to       |                          |
|    | Compel                      |                          |
| 53 | Defendant's First           | Relevancy.               |
|    | Amended Response to         |                          |
|    | Plaintiff's First Request   |                          |
|    | for Production of           |                          |
|    | Documents                   |                          |
|    |                             |                          |

8

| Document 167 |  |
|--------------|--|
|--------------|--|

| 54 | Defendant's Response to                     | Relevancy.              |
|----|---------------------------------------------|-------------------------|
|    | Plaintiff's First Request for Production of |                         |
|    | Documents                                   |                         |
| 55 | Defendant's Response to                     | Relevancy.              |
| •  | Plaintiff's First Request for Answers to    |                         |
|    | Interrogatories                             |                         |
| 56 | Letter from AJ and Mary                     | Lack of authentication, |
|    | Bassett dated September                     | hearsay, relevancy,     |
|    | 1, 2005                                     | improper character      |
|    |                                             | evidence, improper      |
|    |                                             | opinion, improper       |
|    |                                             | disclosure of student   |
|    |                                             | information and         |
|    |                                             | cumulative.             |
| 57 | Notification of                             | Lack of authentication, |
|    | Employment Status                           | hearsay, relevancy,     |
|    |                                             | improper character      |
|    |                                             | evidence, improper      |
|    |                                             | opinion and cumulative. |

DATED: Honolulu, Hawai'i, March 13, 2007.

/s/ NELSON Y. NABETA
NELSON Y. NABETA
Deputy Attorney General